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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,188	12/01/2005	Tobias Giebel	1454.1605	1116
21171	7590	10/31/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER CHAN, RICHARD	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,188

Applicant(s)

GIEBEL ET AL.

Examiner

Richard Chan

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/5/07 has been entered.

Response to Arguments

2. Applicant's arguments, see pages 5-11, filed 9/5/07, with respect to the rejection(s) of claim(s) 11-27 under 35 U.S.C 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 11-28 rejected under 35 U.S.C. 102(b) as being anticipated by Srdjan Krco et al. "Contribution to the 6th WWRF meeting London UK"

With respect to claim 11, Srdjan Krco discloses the method for transmitting signals in a radio communication system Fig. (4), comprising: transmitting signals from a first radio station AP via at least two intermediate stations (MHN1 and MHN2) to a second radio station MN; and signaling between the at least two intermediate stations to configure transmission from the first radio station to the second radio station. (page 10)

With respect to claim 12, Srdjan Krco discloses the method in accordance with claim 11, wherein characteristic quantities (SNR) are signaled between the at least two intermediate stations and the first and/or second radio station. (page 10)

With respect to claim 13, Srdjan Krco discloses the method in accordance with claim 11, wherein characteristic quantities are determined in the intermediate stations from signals received from the first and/or second radio station. (page 9-10)

With respect to claim 14, Srdjan Krco discloses the method in accordance with claim 12, wherein the characteristic quantities are used in the intermediate stations to determine weighting factors. (Fig.6 page 11)

With respect to claim 15, Srdjan Krco discloses the method in accordance with claim 14, wherein the characteristic quantities contain information on channel properties. (page 11)

With respect to claim 16, Srdjan Krco discloses the method in accordance with claim 15, wherein information on the channel properties is updated only if there is a change in channel properties. (page 11)

With respect to claim 17, Srdjan Krco discloses the method in accordance with claim 11, wherein antenna devices of the at least two intermediate stations are configured to correspond to antenna elements of a smart antenna. (page 9-11 and Fig. 4 and 6)

With respect to claim 18, Srdjan Krco discloses the method in accordance with claim 11, wherein signals are transmitted from the first radio station AP to the second radio station MN via a plurality of intermediate stations (MHN1 and MHN2) located in a radio coverage area of the first radio station and via a plurality of intermediate located in a radio coverage area of the second radio station, antenna devices of the intermediate stations located in the radio coverage area of the first radio station are grouped to form a first smart antenna, and antenna devices of the intermediate stations located in the radio coverage area of the second radio station are grouped to form a second smart antenna. (Fig. 8 and page 11)

With respect to claim 19, Srdjan Krco discloses the method in accordance with claim 11, wherein pre-equalization or equalization procedures (phase pre-distorted) are used in the intermediate stations for data transmission. (page 10)

With respect to claim 20, Srdjan Krco discloses the method in accordance with claim 11, wherein transmission between the at least two intermediate stations takes place in accordance with a single frequency network. (Fig.4)

With respect to claim 21, Srdjan Krco discloses the method in accordance with claim 13, wherein the characteristic quantities are used in the intermediate stations to determine weighting factors. (page 10)

With respect to claim 22, Srdjan Krco discloses the method in accordance with claim 21, wherein the characteristic quantities contain information on channel properties. (page 11)

With respect to claim 23, Srdjan Krco discloses the method in accordance with claim 22, wherein information on the channel properties is updated only if there is a change in channel properties. (page 11)

With respect to claim 24, Srdjan Krco discloses the method in accordance with claim 23, wherein antenna devices of the at least two intermediate stations are configured to correspond to antenna elements of a smart antenna. (Fig.8 page 11)

With respect to claim 25, Srdjan Krco discloses the method in accordance with claim 24, wherein signals are transmitted from the first radio station A to the second radio station R via a plurality of intermediate stations (E) located in a radio coverage area of the first radio station A and via a plurality of intermediate stations located in a radio coverage area of the second radio station R, antenna devices of the intermediate stations located in the radio coverage area of the first radio station are grouped to form a first smart antenna Fig.7, and antenna devices of the intermediate stations located in the radio coverage area of the second radio station are grouped to form a second smart antenna. (page 10-11)

With respect to claim 26, Srdjan Krco discloses the method in accordance with claim 25, wherein pre-equalization or equalization procedures (phase-pre-distortion) are used in the intermediate stations for data transmission. (page 11)

With respect to claim 27, Srdjan Krco discloses the method in accordance with claim 26, wherein transmission between the at least two intermediate stations E takes place in accordance with a single frequency network. (Fig.6)

With respect to claim 28, Srdjan Krco discloses the method for transmitting signals in a radio communication system (Fig.6), comprising: transmitting a signal from a first radio station A; transmitting the signal from the first intermediate station E to a second intermediate station E transmitting the signal from a second intermediate station E to a second radio station R. (page 11)

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chan whose telephone number is (571) 272-0570. The examiner can normally be reached on Mon - Fri (9AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571)272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard Chan
Art Division 2618
10/24/07



NAY MAUNG
SUPERVISORY PATENT EXAMINER